

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

FRANKLIN G. ENDICOTT,

Plaintiff,

v.

JAMES HURLEY, et al.,

Defendants.

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No. 2: 14 CV 107 DDN

**MEMORANDUM AND ORDER**

**IT IS HEREBY ORDERED** that the consent motion of plaintiff for leave to file a Fifth Amended Complaint (ECF. No. 111) is **SUSTAINED**. The Clerk is directed to file plaintiff's Fifth Amended Complaint (ECF No. 111-1) as a separate document.

The Court having granted plaintiff leave to file his Fifth Amended Complaint, pending motions pertaining to the Third Amended Complaint are now moot, *see Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002). Therefore,

**IT IS FURTHER ORDERED** that defendants' motions for judgment on the pleadings on the Third Amended Complaint (ECF Nos. 82, 84) are **DENIED** without prejudice as moot.

In light of the filing of Fifth Amended Complaint,

**IT IS FURTHER ORDERED** that the motion of defendants for an extension of time to file a dispositive motion (ECF No. 112) is **SUSTAINED**. All defendants may have until **September 16, 2016**, to file dispositive motions. Plaintiff may have until **September 30, 2016 to file a response**. Defendants may have until **October 7, 2016 to file a reply**.

**IT IS FURTHER ORDERED** that the September 7, 2016, hearing date is vacated.

**IT IS FURTHER ORDERED** that a hearing on all then pending motions is set for **Tuesday, October 18, 2016, at 9:30 a.m.**

/s/ David D. Noce

**UNITED STATES MAGISTRATE JUDGE**

Signed on September 1, 2016.